

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

Eric X. Rambert,

Plaintiff

v.

DEPARTMENT OF
CORRECTIONS, et al.,

Defendants

:
:
:
:
:
:
:
:
:
:
:

CIVIL ACTION NO. 3:CV-14-2131

(Judge Nealon)

FILED
SCRANTON

DEC 15 2014

PER 
DEPUTY CLERK

MEMORANDUM

Plaintiff, Eric X. Rambert, an inmate confined in the State Correctional Institution, Coal Township, Pennsylvania, filed the above captioned civil rights action pursuant to 42 U.S.C. § 1983. On December 10, 2014, Plaintiff filed a “Motion to Withdraw”, in which he seeks to withdraw the above captioned action. (Doc. 12). Plaintiff’s request will be construed as a motion for voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1), and will be granted.

Discussion

Rule 41(a) states in relevant part:

(1) By the Plaintiff.

(A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties

who have appeared in the action.

(B) Effect. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action based on or including the same claim.

The Court will grant Plaintiff's motion and the case will be dismissed without prejudice to his right to renew his claims. Plaintiff is forewarned, however, that renewal of his claims is subject to Pennsylvania's statute of limitations for a personal injury action. See Wilson v. Garcia, 471 U.S. 261, 276 (1985).

A separate Order will be issued.

Dated: December 15, 2014


United States District Judge